BILL NO. Z-91- 05-26

ZONING MAP ORDINANCE NO. Z- /1-9/

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-22 & N-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the areas described as follows are hereby designated Section (1): RA (Suburban Residential); Section (2): B-4 (Roadside Business); Section (3): R-1 (Single Family Residential); Section (4): B-3-B (General Business); Section (5): B-3-B (General Business) Districts under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Section (1): Starting at the southwest corner of Lot 23 in Young's Place Addition, being the point of beginning; thence north along the west line of said lot to the centerline of Cumberland Avenue; thence west along said centerline to its intersection with the centerline of Northrop Street; thence Southeasterly along said centerline approximately 158.2 feet to its intersection with the extended south line of Lot 22 in Young's Place Addition; thence east along the south line of said lot to the point of beginning.

Section (2): Starting at the intersection of the centerlines of Northrop Street and Edgewood Avenue Extended, being the point of beginning; thence southeasterly along the centerline of Northrop Street to its intersection with the centerline of North Clinton Street; thence northerly along said centerline to its intersection with the centerline of Edgewood Avenue; thence southwesterly along said centerline to the point of beginning.

Section (3): Starting at the intersection of the centerline of Brudi Avenue with the extended east line of Block 2 in Riverview Park Extended Addition, being the point of beginning; thence south along the east line of said Block 2 to its intersection with the centerline of Livingston Avenue; thence east along said centerline 220 feet; thence north parallel to the east lot line of said Block 2 to the centerline of Brudi Avenue; thence west along said centerline to the point of beginning.

Section (4): Starting at the intersection of the centerlines of North Clinton Street and Dalgren Avenue Extended, being the point of beginning; thence north along the centerline of North Clinton Street to its intersection with the extended centerline of Allen

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thence south along said centerline to the Avenue; centerline of Cumberland Avenue; thence west along said centerline approximately 150 feet to the extended centerline of the first north/south alley west of Cumberland Avenue; thence south along the centerline of said north/south alley to the centerline of Glenn Avenue; thence east along said centerline to the extended east line of Lot 95 in Third Highland Park Addition; thence south along the east line of said Lot 95 to the centerline of Constance Avenue; thence west along said centerline to the extended west line of Lot 73 in Highland Park Addition; thence south along said lot line to the centerline of Brudi Avenue; thence east along said centerline to the extended east line of Block 2 in Riverview Park Extended Addition; thence south along the east line of said Block 2 to the centerline of Livingston Avenue; thence east along said centerline of Livingston Avenue to the extended east line of Block 4 in Riverview Park Extended Addition; thence south along the east line of said Block 4 to the centerline of vacated Riverview Drive; thence west along said vacated centerline to a point 195 feet west of the extended centerline of the first vacated north/south alley east of North Clinton Street; thence south parallel to the centerline of said vacated north/south alley to the centerline of the vacated first east/west alley north of Penn Avenue; thence east along the centerline of said vacated east/west alley to the extended west line of Lot 22 of Penn Place Addition; thence south along the west lines of Lots 22 and 23 in Penn Place Addition to the centerline of the first east/west alley south of Penn Avenue; thence west along said centerline to the extended west line of Lot 4 in John H. Vesey's Addition; thence south along the west line of said Lot 4 to the centerline of Dalgren Avenue; thence west along said centerline to the point of beginning.

Section (5): Starting at the eastern most corner of a parcel, said parcel being a part of Lot 3 in Eliza Hanna Sr.'s Subdivision and being more particularly described as recorded in the Office of the Recorder of Allen County, Indiana, (Key Number 86-055410), being the point of beginning; then southwesterly along the south line of said parcel 156.03 feet to a point on the centerline of Norfolk Avenue; thence southwesterly along said centerline to its intersection with the centerline of Northrop Street; thence southeasterly along said centerline to its intersection with the extended centerline of Edgewood Avenue; thence northeasterly along the centerlines of Edgewood Avenue and North Clinton Street to the intersection with the north line of Lot 3 in Eliza Hanna Sr.'s Subdivision; thence west along the north line of said Lot 3 to a point 423 feet east of the northwest corner of said Lot 3; thence south on a line which is at right angles with the north line of said Lot 3; 231 feet; thence east parallel to the north line of said Lot 3; 20.62 feet; thence southeasterly on a line at right angles to the west right of way line of U.S. Highway Number 27; 391 feet; thence west parallel to the north line of said Lot 3; 384.62 feet; thence southeasterly by a deflection angle left of 143 degrees, 02 minutes a distance of 181 feet; thence southwesterly, by an

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interior angle of 90 degrees, 28 minutes, a distance of 126.35 feet; thence northwesterly, by an interior angle of 89 degrees, 51 minutes, a distance of 55 feet; thence southwesterly to the point of beginning.

and the symbols of the City of Fort Wayne Zoning Map No. N-22 & N-26, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

4			NG ORDINANCE AN	GENDLIEMT
			RECEIPT 1	NO.
¥			DATE FILI	ED .
THIS IS	TO BE FILED IN DUPLIC	ATE	INTENDED	
	City Plan Commis	sion	INTENDED	032
I/We	orey ran commis		Name or Names	
Indiana, District	y petition your H by reclassifying the property des ection I - M1 to RA	from a/an	Distr	oning Map of Fort Wayne rict to a/an
Se	ction 2 - M1 to B4			
Se	ction 3 - M1 to R1			
Se	ction 4 - M1, B3B & R	1 to B-3-B		
Se	ction 5 - M-1 to B-3-	В		
(General	Description for	Planning Staff	Use Only)	
I/We, th	Description for e undersigned, ce m (51%) or more o	rtify that I am	m/We are the ow	ner(s) of fifty-one his petition.
I/We, th	e undersigned, ce	rtify that I am	m/We are the ow	ner(s) of fifty-one his petition.
I/We, th	e undersigned, ce m (51%) or more o	rtify that I am	n/We are the ow described in t	ner(s) of fifty-one his petition. (Signature)
I/We, th percentu	e undersigned, ce m (51%) or more o	rtify that I am	n/We are the ow described in t	his petition.
I/We, th percentu (Nam	e undersigned, ce m (51%) or more o	rtify that I amend of the property (Addressed of the property)	m/We are the ow described in t ess)	his petition.
I/We, the percent was a contract of the contra	e undersigned, ce m (51%) or more o e) tional space is n	rtify that I amend of the property (Addressed of the property)	n/We are the ow described in t	his petition.

(Address & Zip Code) (Telephone Number) (Name)

Name and address of the preparer, attorney or agent.

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description for I.J. Recycling Rezoning

SECTION (1): FROM M1 to RA

Starting at the southwest corner of lot 23 in Youngs Place addition, being the point of beginning; then north along the west line of said lot to the centerline of Cumberland Avenue; then west along said centerline to its intersection with the centerline of Northrup Street; then southeasterly along said centerline approximately 158.2 feet to its intersection with the extended south line of lot 22 in Youngs Place addition; then east along the south line of said lot to the point of beginning.

SECTION (2): FROM M1 to B4

Starting at the intersection of the centerlines of Northrup Street and Edgewood Avenue extended, being the point of beginning; then southeasterly along the centerline of Northrup Street to its intersection with the centerline of North Clinton Street; then northerly along said centerline to its intersection with the centerline of Edgewood Avenue; then southwesterly along said centerline to the point of beginning.

SECTION (3): FROM M1 to R1

Starting at the intersection of the centerline of Brudi Avenue with the extended east line of Block 2 in Riverview Park Extended addition, being the point of beginning; then south along the east line of said Block 2 to its intersection with the centerline of Livingston Avenue; then east along said centerline 220 feet; then north parallel to the east lot line of said Block 2 to the centerline of Brudi Avenue; then west along said centerline to the point of beginning.

SECTION (4): FROM M1, B3B, and R1 to B3B

Starting at the intersection of the centerlines of North Clinton Street and Dalgren Avenue extended, being the point of beginning; then north along the centerline of North Clinton Street to its intersection with the extended centerline of Allen Avenue; then south along said centerline to the centerline of Cumberland Avenue; then west along said centerline approximately 150 feet to the extended centerline of the first north/south alley west of Cumberland Avenue; then south along the centerline of said north/south alley to the centerline of Glenn Avenue; then east along said centerline to the extended east line of lot 95 in Third Highland Park addition; then south along the east line of said lot 95 to the centerline of Constance Avenue; then west along said centerline to the extended west line of lot 73 in Highland Park addition; then south along said lot line to the centerline of Brudi Avenue; then east along said centerline to the extended east line of Block 2 in Riverview Park Extended addition; then south along the east line of said Block 2 to the centerline of Livingston Avenue; then east along said centerline of Livingston Avenue to the extended east line of

Block 4 in Riverview Park Extended addition; then south along the east line of said Block 4 to the centerline of vacated Riverview Drive; then west along said vacated centerline to a point 195 feet west of the extended centerline of the first vacated north/south alley east of North Clinton Street; then south parallel to the centerline of said vacated north/south alley to the centerline of the vacated first east/west alley ? north of Penn Avenue; then east along the centerline of said vacated east/west alley to the extended west line of lot 22 of Penn Place addition; then south along the west lines of lots 22 and 23 in Penn Place addition to the centerline of the first east/west alley south of Penn Avenue; then west along said centerline to the extended west line of lot 4 in John H. Vesey's addition; then south along the west line of said lot 4 to the centerline of Dalgren Avenue; then west along said centerline to the point of beginning.

SECTION (5): FROM M1 to B3B

Starting at the eastern most corner of a parcel, said parcel being a part of Lot 3 in Eliza Hanna Sr.'s Subdivision and being more particularly described as recorded in the Office of the Recorder of Allen County, Indiana, key number 86-055410, being the point of beginning; then southwesterly along the south line of said parcel 156.03 feet to a point on the centerline of Norfolk Avenue; then southwesterly along said centerline to its intersection with the centerline of Northrup Street; then southeasterly along said centerline to its intersection with the extended centerline of Edgewood Avenue; then northeasterly along the centerlines of Edgewood Avenue and North Clinton Street to the intersection with the north line of Lot 3 in Eliza Hanna Sr.'s Subdivision; then west along the north line of said Lot 3 to a point 423 feet east of the northwest corner of said Lot 3; then south on a line which is at right angles with the north line of said Lot 3 231 feet; then east parallel to the north line of said Lot 3 20.62 feet; then southeasterly on a line at right angles to the west right of way line of U.S. Highway Number 27 391 feet; then west parallel to the north line of said Lot 3 384.62 feet; then southeasterly by a deflection angle left of 143 degrees, 02 minutes a distance of 181 feet; then southwesterly, by an interior angle of 90 degrees, 28 minutes, a distance of 126.35 feet; then northwesterly, by an interior angle of 89 degree, 51 minutes, a distance of 55 feet; then southwesterly to the point of beginning.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-05-26; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 20, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 3, 1991.

Certified and signed this 6th day of June, 1991.

Robert Hutner Secretary

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment	
DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED	
SYNOPSIS OF ORDINANCE Lots 20, 21, & 22 in Young's Place Addition	on, and an
area generally bounded by the junction of Clinton Street and Coldwate	er Road on the
north, and Northrop Drive between Norfolk Street and Dalgren Avenue of	on the south,
including both sides of Clinton Street and Edgewater Avenue.	
2-91-0	35-26
	-
SECTION 1: M1 - Light Industrial to RA - Suburbar EFFECT OF PASSAGE SECTION 2: M1 - Light Industrial to B4 - Roadside	Residential.
SECTION 3: M1 - Light Industrial to R1 - Single Family Residential.	. 503111033
SECTION 4: M1 - Light Industrial, B3B - General Business & R1 - Singl	le Family
Residential to B3B - General Business District.	
SECTION 5: M1 - Light Industrial to B3B - General Business District. EFFECT OF NON-PASSAGE	54
Properties will remain M1 - Light Industrial, B3B - General Business	District &
R1 - Single Family Residential.	
	Ar Transfer
MONEY INVOLVED (Direct Costs, Expenditures, Savings)	
MONET INVOLVED (DITECT COSCS, Expenditures, Cavings)	
(ASSIGN TO COMMITTEE (J.N.)	

FACT SHEET

Z-91-05-26

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE APPROVAL DEADLIN	IE REASON	•
Zoning Map Amendment		
From M1,B3B,R1 to RA,B4,R1,B3B		
DETAILS	POSITIONS	RECOMMENDATIONS
Specific Location and/or Address	Sponsor	City Plan Commission
See Attached Location Map	Area Affected	City Wide
Reason for Project To prevent inappropriate uses from harming existing commercial investment and to match the zoning to existing development patterns.	+	Other Areas
	Applicants/ Proponents	Applicant(s) Community & Economic Development City Department Other
Discussion (Including relationship to other Council actions) 20 May 1991 - Public Hearing See Attached Minutes of Meeting 3 June 1991 - Business Meeting	Opponents	Groups or Individuals See attached minutes for list. Basis of Opposition - rezoning would devalue property values
Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote.	Staff Recommendation	X For Against Reason Against
Motion carried.	Board or Commission Recommendation	By X For
	CITY COUNCIL ACTIONS (For Council use only)	Pass Other Pass Hold amended) Council Sub. Do not pass

DETAILS		POLICY/PROG	RAM IMPACT	
		Policy or Program Change	No Yes	,
		Operational Impact Assessment		
		(This	space for further discussion)	
Project Start	Date 25 Apr	il 1991		
Projected Completion or Occupancy	Date 6 June			
Fact Sheet Prepared by Patricia Biancaniello	Date 6 June			
Reviewed by Reference or Case Number	Date fno	11, 1881		

b. Change of Zone #474
From M1, B3B & R1 to RA, B4, R1 & B3B
Lots 20, 21 & 22 in Young's Place Addition,
and an area generally bounded by the junction of
Clinton Street and Coldwater Road on the north, and
Northrop Drive between Norfolk Street and Dalgren
Avenue on the south, including both sides of Clinton
Street and Edgewater Avenue.

with Community & Cassingham, Planner II Development appeared before the Commission. Mr. Cassingham stated that they have been working on this since the first of the He stated looking at the area, specifically the I & J Recycling property, but also at the area around it for potential conflicts of zoning and actual uses. He stated that the concern is that this area, which is zoned almost entirely for light industrial, would allow for uses that would be incompatible with the existing development. He stated that there study showed that to be true. He stated that they did a field inspection of the area and found a clear line of demarcation between industrial uses and commercial uses as they have been developed. He stated that the main concern of the staff is that the property zoned M-1 would permit uses that would present a threat to not only the commercial investments in the area but also the surrounding He stated that they are simply trying to residential areas. bring the zoning in line with the actual use. He stated that they had a meeting with the property owners in the area regarding the proposal. He stated that most of them present were concerned He stated the staff feels that as about the reclassification. this area is presently developed there is clearly a conflict between the use and the zoning. Mr. Cassingham stated that the reclassification of this area will create only three legal nonconforming uses all of the rest of the uses will become He stated that the bulk of the consistent with their use. proposed rezoning would be from M-1 to B-3-B and B-4.

John Shoaff questioned if any of the uses allowed in the proposed zoning reclassification would create a visual or traffic problem.

Mr. Cassingham stated it would probably depend upon how the facility was designed and developed.

Chuck Layton questioned which businesses would become legal non-conforming by rezoning.

Mr. Cassingham stated Arrow Fence, a restaurant and two car dealers.

Mr. Layton questioned how legal non-conforming status would affect these properties.

Mr. Cassingham stated that generally speaking it would cause no change. He stated that with the exception of Arrow Fence which requires an M-1 zoning because they do some fabrication on the

premises. He stated that they would be allowed to continue their operation as it is now being used, they would simply go under a legal non-conforming status.

Mark Gensic questioned who owned I&J Recycling.

Mr. Cassingham stated that to his knowledge it was a partnership called I-Jones Partnership. He stated that they have apparently not paid their taxes and the County could take title of the property. He stated however that the County has not taken title to the property.

The following people appeared in opposition to the proposed rezoning:

Richard Bidlack, 5508 Wapiti Dr Nakos Christos, 3126 & 3518 No Clinton St Merl Griffith, 3720 No Clinton St Gerald Hetrick, 3126 No Clinton St Larry Paris, 3325 No Clinton St Joseph Zurzolo, 4830 Schumcker Rd

- property has been purchased because of the M-1 zoning classification
- felt rezoning to a lower classification would devalue the property
- property is more valuable as zoned M-1 property would be prohibited from being used as manufacturing
- felt the city was being unfair to the property owners by rezoning without their consent

In rebuttal, Scott Cassingham stated that the city is sympathetic to the concerns of the property owners with regard to limiting the use of the property by reclassifying it to a lesser zoning or to diminishing the value of the property by rezoning. He stated however that the city is also concerned about the neighbors to these properties. He stated that the properties adjacent to this commercial area must also be protected. He stated that the reclassification still allows for a multitude of uses. He stated that the M-1 district is basically for manufacturing uses and that type of use in this area is not compatible.

Mel Smith questioned what the city expected to "gain" from this reclassification.

Mr. Cassingham stated that the city doesn't really expect to "gain" anything. He stated that the reclassification would make the zoning more consistent with the uses and the area and be more compatible with the surrounding areas. He stated it also protects the area from any use that would be considered incompatible with the existing uses.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO.	Z-91=05-26	
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REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN DAVID C. LONG, VICE CHAIRMAN EDMONDS, SCHMIDT, BRADBURY

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REFERRED AN (OF Fort Wayne Zon	ning Map No	(RESOLUTION) N-22 & N-26	amenariig	0.10	0101 01
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HAVE HAD SAID (ORDINANCE) TO REPORT B	ACK TO THE COM	MON COUNCIL	THAT	SAID
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DATED: 6-25-91.

REZONING PETITION

